

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PEDRO LOZANO, <i>et al.</i>	:	CIVIL ACTION NO. 3:06-cv-01586-JMM
	:	
Plaintiffs	:	(Hon. James M. Munley)
	:	
v.	:	
	:	
CITY OF HAZLETON	:	
	:	
Defendant	:	

**STIPULATION AND ORDER CONCERNING PLAINTIFFS'
SUBMISSION OF THEIR POST-APPEAL
PETITION FOR FEES AND COSTS**

WHEREAS, this Honorable Court entered judgment in favor of Plaintiffs based upon the Memorandum Opinion and Verdict dated July 26, 2007.

WHEREAS, Plaintiffs duly filed a Petition for Fees and Costs on August 31, 2007, which petition was stayed at Defendant's request pending the outcome of the City of Hazleton's appeal to the U.S. Court of Appeals for the Third Circuit.

WHEREAS, on September 19, 2007, the Court entered an Order suspending Plaintiffs' Fee Petition pending the City of Hazleton's appeal of the July 26, 2007 Memorandum Opinion and Verdict, and granted Defendant a sixty (60) day period to respond to the fee petition after disposition of such appeal.

WHEREAS, the City of Hazleton appealed the judgment and the appeal was fully briefed, argued and disposed of by Opinion and Judgment entered on September 9, 2010.

WHEREAS, the mandate issued from the United States Court of Appeals for the Third Circuit on October 1, 2010.

WHEREAS, the City of Hazleton has informed counsel for Plaintiffs-Appellees that it intends to file a timely petition for writ of certiorari before the Supreme Court of the United States.

WHEREAS, without waiver of Defendant-Appellant's rights and fully reserving same, Defendant-Appellant consents to defer Plaintiffs-Appellees' filing and the Court's consideration of the Fee Petition and the entry of an appropriate award until after the anticipated petition is ruled upon.

It is hereby ORDERED and DECREED that the deadline for filing Plaintiffs-Appellees' Petition for Fees and Costs will begin to run as of the date on which the United States Supreme Court (a) denies Defendant-Appellant's petition for writ of certiorari or (b) grants Defendant-Appellant's petition for writ of certiorari and rules on the merits thereof, and Plaintiffs-Appellees shall have thirty (30) days from that date to file an amended petition reflecting an updated lodestar.

Date: October 14, 2010

Respectfully submitted,

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Date:

BY THE COURT:

James M. Munley, J.